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14
15 **UNITED STATES BANKRUPTCY COURT**
NORTHERN DISTRICT OF CALIFORNIA
16 **SAN FRANCISCO DIVISION**

17 In re:

18 PG&E CORPORATION

19 - and -

20 PACIFIC GAS AND ELECTRIC
COMPANY,

21 Debtors.

- 22 ☐ Affects PG&E Corporation
23 ☐ Affects Pacific Gas and
Electric Company
24 ☒ Affects both Debtors

Bankruptcy Case No. 19-30088 (DM)

Chapter 11

(Lead Case) (Jointly Administered)

**EX PARTE APPLICATION FOR ORDER
PURSUANT TO L.B.R. 9013-1(c)
AUTHORIZING OVERSIZE BRIEFING
FOR CAL OES'S OPPOSITION TO
OFFICIAL COMMITTEE OF TORT
CLAIMANTS' OMNIBUS OBJECTION TO
ITS CLAIMS**

[No Hearing requested]

25
26 Pursuant to Local Bankruptcy Rule 9013-1(c), the California Governor's Office of
27 Emergency Services ("Cal OES") hereby submit this *Ex Parte* Application (the "**Application**")
28 for an Order authorizing the it to file an oversize brief in connection with its response to (i)

1 *Omnibus Objection of the Official Committee of Tort Claimants (Substantive) to Claims Filed by*
2 *California Governor’s Office Of Emergency Services (Claim Nos. 87748, 87754, & 87755)*
3 *Jurisdiction* [Dkt. No. 5096] (the “**Omnibus Objection**”) and (ii) the *Supplement to Omnibus*
4 *Objection of the Official Committee of Tort Claimants (Substantive) to Claims Filed by*
5 *California Governor’s Office of Emergency Services (Claim Nos. 87748, 87754, & 87755)* [Dkt.
6 No. 5320] (the “**Supplemental Objection**”).

7 8 **I. JURISDICTION**

9 The Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334,
10 the Order Referring Bankruptcy Cases and Proceedings to Bankruptcy Judges, General Order 24
11 (N.D. Cal.), and Bankruptcy Local Rule 5011-1(a). This is a core proceeding pursuant to 28
12 U.S.C. § 157(b). Venue is proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409.

13 14 **II. BACKGROUND**

15 On January 29, 2019, PG&E Corporation and Pacific Gas and Electric Company
16 commenced with the Court voluntary cases under chapter 11 of the Bankruptcy Code. On
17 February 12, 2019, the United States Trustee appointed an Official Committee of Unsecured
18 Creditors. On February 15, 2019, the United States Trustee appointed an Official Committee of
19 Tort Claimants (the “**Tort Claimants Committee**”).

20 On October 21, 2019, Cal OES filed three proofs of claim for the disaster relief that in
21 provided in connection with the Butte, North Bay and Camp Fires (the “**Proofs of Claim**”). On
22 November 15, 2019, Cal OES amended the Proofs of Claim. As amended, the Proofs of Claim,
23 assert claims in the aggregate amount of no less than \$2,694,064,968 under several California
24 statutes and common-law doctrines. On December 12, 2019, the Tort Claimants Committee filed
25 its Omnibus Objection, arguing that even if the facts alleged in the Proof of Claim are true, the
26 Court must completely or partially disallow the Proofs of Claim. On January 9, 2020, the Tort
27 Claimants Committee filed the Supplemental Objection, arguing that additional legal theories
28 require the Court to disallow the Proofs of Claim.

1 **III. OVERSIZE BRIEFING FOR THE OPPOSITION TO THE OBJECTIONS IS**
2 **WARRANTED**

3 Bankruptcy Local Rule 9013-1(c) provides that, “[u]nless the Court expressly orders
4 otherwise, the initial and response memoranda of points and authorities shall not exceed 25 pages
5 of text, and reply memorandum shall not exceed 15 pages of text.” B.L.R. 9013-1(c).

6 Cal OES submits that there is sufficient cause for the Court to allow oversize briefing for
7 the Cal OES’s opposition to the Omnibus Objection:

- 8 • Collectively, Cal OES’s Proofs of Claim assert claims of approximately \$2.7 billion for
9 aid provided to individuals, local agencies and other state agencies. Correctly determining
10 Cal OES’s entitlement to recovery is of critical importance both to California taxpayers
11 and to the bankruptcy estate.
- 12 • Cal OES is entitled to recovery under many different statutes and legal theories.
13 Adequately describing those legal theories requires more than 25 pages of text.
- 14 • Cal OES is responding to the arguments that the Tort Claimants Committee made in
15 multiple pleadings.

16 Accordingly, Cal OES believes it is appropriate to request authority for the OES’s
17 response to the omnibus objection to exceed the 25 pages allowed under Bankruptcy Local Rule
18 9013-1(c). Cal OES’s opposition to the Omnibus Objection and the Supplemental Objection is
19 only 28 pages (excluding the table of contents and table of authorities). The opposition is filed
20 concurrently herewith.

21 Cal OES made no previous request for the relief sought herein.

22 **IV. NOTICE**

23 Notice of this Application will be provided to (i) the Office of the United States Trustee
24 for Region 17 (Attn: Andrew R. Vara, Esq. and Timothy Laffredi, Esq.); (ii) counsel to the
25 Creditors Committee; (iii) counsel to the Tort Claimants Committee; (iv) counsel to the Debtors;
26 (v) Thomas Tosdal and Angela Jae Chun; (vi) all parties receiving ECF notice in these cases.

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Cal OES respectfully submit that no further notice is required.

Dated: February 12, 2020

Respectfully submitted,

XAVIER BECERRA
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I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 500 Capitol Mall, Suite 2250, Sacramento, CA 95814. On February 13, 2020, I served the within document:

By Electronic Service only via CM/ECF.

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